

## **REMARKS/ARGUMENTS**

Claims 16-31 and new claims 34 and 35 are pending, with claims 1-15 and 32-33 being withdrawn subject to a restriction requirement, of which claims 5-6 are now canceled. Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks:

*First*, Applicant submits herewith two sheets of replacement formal drawings. The replacement drawings contain clearer lines, and the reference numerals are appropriately designated, with the change being made on Fig. 3 to refer to reference numeral "30" in place of "10" which was originally placed thereon. No new matter has been introduced, and Applicant respectfully requests approval of the replacement drawings.

*Second*, Applicant has reviewed the cited references and has amended the claims to more particularly distinguish the invention.

Claims 16-17, 19-20 and 26-30 stand rejected under 35 USC 102(b) as being anticipated by Popeil (US 3,613,553). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

Applicant's amended claims recite shells, and configuring the shells by bringing two hingeably connected plates together. Claim 16 recites these features as Applicant's method for cooking includes:

-providing a shell including a first plate with at least one edge and second plate with at least one edge, said first plate and said second plate being hingeably connected along an edge thereof, the shell forming at least one

first configuration wherein food to be cooked may be placed therein and forming a second configuration wherein said first plate and said second plate are brought together to enclose said food to be cooked;

- configuring the shell in a first configuration;

- placing food to be cooked within the shell;

- placing said shell in a second configuration by bringing

together said first plate and said second plate;

The present invention, as claimed, configures shells by bringing the plates together. The shells considered with respect to the rejection in the office action are #19 of Fig. 8 of Popeil. They are not brought together, but rather appear to remain in a single configuration.

Applicant's invention is not taught, suggested or disclosed by Popeil.

Accordingly, reconsideration and a withdrawal of the rejection are respectfully requested.

Claims 16-21 and 26-30 stand rejected under 35 USC 102(b) as being anticipated by Hunter et al. (US 5,988,048). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

For the same reasons set forth above by Applicant distinguishing the invention over Popeil, the Applicant's present invention, as recited in the amended claims, is not taught, suggested or disclosed by Hunter et al.

Claims 22-25 stand rejected under 35 USC 103(a) as being unpatentable over Hunter et al. in view of Aurio (US Appln. 2006/0099324) and Young et al. (US

6,048,564). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

First, for the same reasons set forth above by Applicant distinguishing the invention over Popeil and Hunter et al., the Applicant's present invention, as recited in the amended claims, is not obvious in view of the cited references. Claims 22 -25 depend directly or ultimately from claim 16, and should be patentable.

Second, the references do not establish that the food product of the dough composition recited in applicant's claims 22-25 would be suitable where cooking is done through the use of convective plates. For these additional reasons, Applicant's invention should be patentable over the cited references.

Claim 31 stands rejected under 35 USC 103(a) as being unpatentable over Hunter et al. in view of Noguchi et al. (US 4,740,379). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

For the same reasons set forth above by Applicant distinguishing the invention over Popeil and Hunter et al. above, the Applicant's present invention, as recited in the amended claims, is not obvious in view of the cited references. Claim 31 has also been amended to include the novel features discussed above, and should be patentable.

Reconsideration and a withdrawal of all rejections are hereby respectfully requested.

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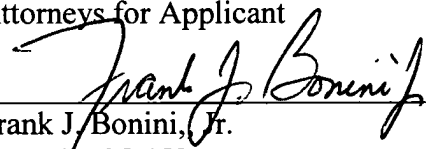
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- 1) If necessary, an appropriate extension of time to respond is respectfully requested.
- 2) The Commissioner is authorized to charge any additional fees that may be required, or to credit any overpayment, to Patent Office Deposit Account 05-0208.

Respectfully Submitted,

HARDING, EARLEY, FOLLMER & FRAILEY  
Attorneys for Applicant



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Frank J. Bonini, Jr.  
Reg. No. 35,452  
P.O. Box 750  
Valley Forge, PA 19482  
Telephone: (610) 935-2300  
Fax: (610) 935-0600

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